

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 9026 Alex Hillman Corporation, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried, with Mr. William F. McIntosh not voting, the following Order was entered was entered at the meeting of the Board on November 29, 1967.

EFFECTIVE DATE OF ORDER -- May 5, 1967

ORDERED:

That the appeal for permission to extend building 35 feet into adjoining R-5-A zone and variance of the use provisions of the R-5-A District to permit an additional 6 foot extension to Safeway Store at 645 Milwaukee Place, SE., lot 815, square 5982, be granted.

FINDINGS OF FACT:

(1) The subject property is located in a split zoning area, one portion being zoned C-2 and the other portion being zoned R-5-A.

(2) The property is presently improved with a Safeway Store which is leased from the owner of record. This store is located entirely in the C-2 zone.

(3) It is proposed to remodel the entire store and to expand the existing structure 41 feet at the rear of the building, extending it into the residential zone.

(4) In the case of mixed zoning districts, the Board is empowered to allow extensions into the more restrictive use district up to 35 feet under Section 7514.12.

(5) The subject property contains 101,038 square feet of land. The existing building occupies 19,841 square feet, the parking lot 81,197 square feet, and 2,119 square feet is sub-leased to another lessee. The parking lot has 156 spaces.

(6) The proposed addition will have 4,742 square feet, the new mezzanine will contain 211 square feet, and the existing building has 15,099 square feet, giving a total floor area of 20,052 square feet.

(7) The addition will provide space for a loading dock where the loading and unloading of merchandise can be made directly into the storeroom.

(8) The proposed addition will be located within that portion of appellant's property zoned R-5-A.

(9) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

Section 8207.11 provides that the Board may grant variances "where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations * * * or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship," We conclude that the appellant has established a peculiar and exceptional practical difficulty relating to this property and that the proposed addition will have no adverse affect upon the nearby and adjoining property.

We hold that because of the location of the property and its mixed zoning, the extension of the C-1 use into the R-5-A District will have no adverse affect upon the present character and future development of the neighborhood. Further, the 35 foot addition will not cause the entire building to exceed the 0.9 FAR permitted for structures in the R-5-A District.

OPINION: (Cont'd)

The granting of this appeal will not be detrimental to the public good nor substnatiall impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

However, we require the appellant to present to the Board for its consideration a plan for screening the entire parking complex. Such plan should include walls and landscaping. There should also be a wall on the public alley on Milwaukee Place and screening on the side of the property facing the Police Boy's Club. After presentation of any proposed landscaping and screening plan, the Board will take further action in the case. As the property on which the store is situated is surrounded by residential zoning, it is our view that screening must be provided to minimize the impact of the commercial structure on the residential property.